

**Public Servants Disclosure
Protection Tribunal Canada**

2013-14

Report on Plans and Priorities

The Honourable James Moore
Minister of Canadian Heritage and Official Language

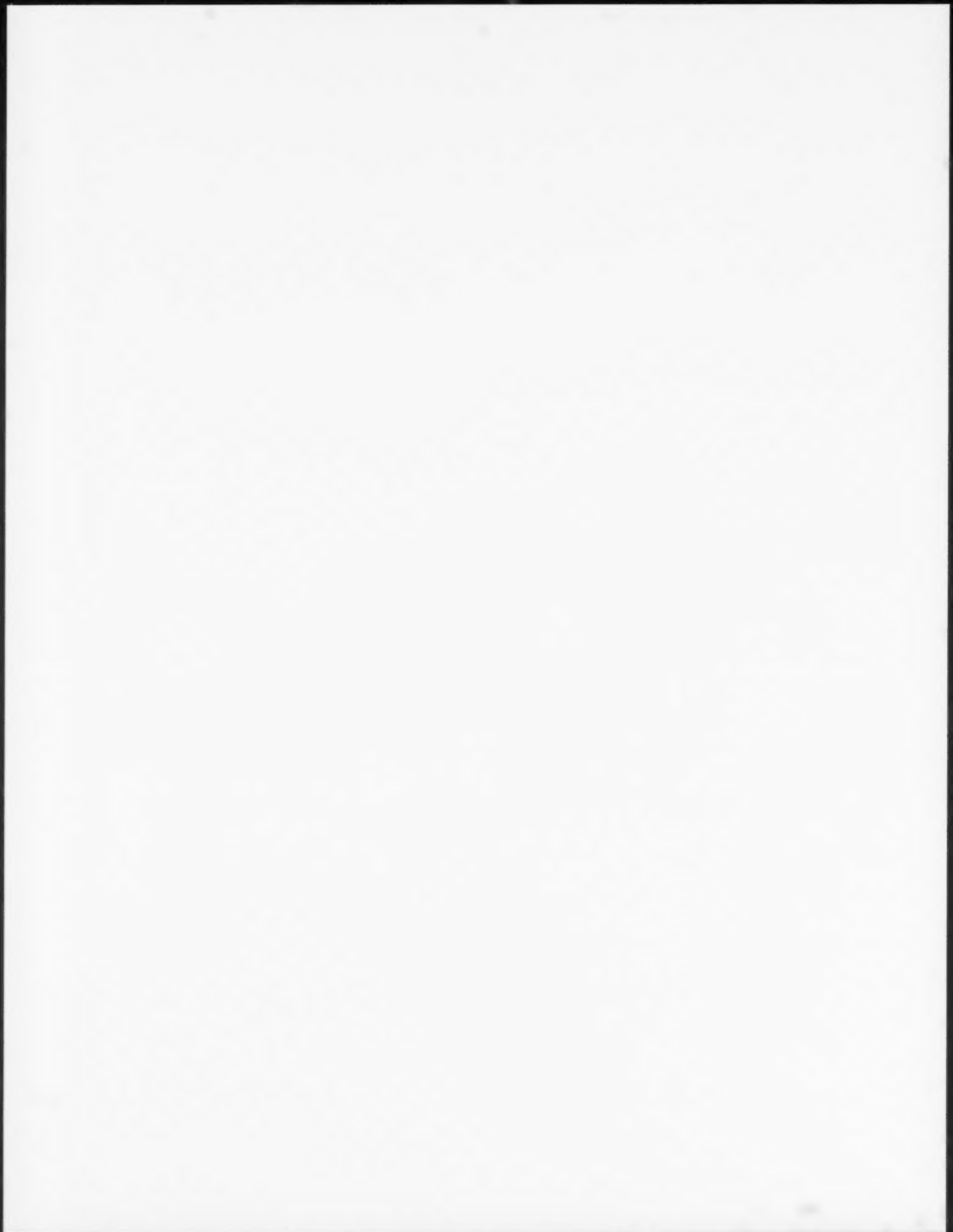


Table of Contents

Chairperson's Message	1
Section I: Organizational Overview	2
Raison d'être and Responsibilities.....	2
Strategic Outcomes and Program Alignment Architecture (PAA)	2
Organizational Priorities	3
Risk Analysis	6
Planning Summary	7
Expenditure Profile	9
Estimates by Vote.....	9
Contribution to the Federal Sustainable Development Strategy (FSDS)	9
Section II: Analysis of Program by Strategic Outcome.....	11
Strategic Outcome.....	11
Program: Reprisal Hearings Program.....	11
Program Description.....	11
Section III: Supplementary Information	13
Financial Highlights	13
Future-Oriented Financial Statements.....	14
List of Supplementary Information Tables	14
Tax Expenditures and Evaluations Report	15
Section IV: Other Items of Interest.....	16
Organizational Contact Information	16



Chairperson's Message

I am pleased to present the *2013-14 Report on Plans and Priorities* for the Public Servants Disclosure Protection Tribunal Canada.

To date, the Tribunal has received three applications for hearings from the Office of the Public Sector Integrity Commissioner. One case has been resolved and the other two are ongoing. These first cases are of particular importance to public servants because they will provide an indication of the degree of protection they are guaranteed under the *Public Servants Disclosure Protection Act*.



This year, the Tribunal will implement innovative and proactive case management processes in an effort to deal with complaints as quickly as possible. Practices such as developing joint statements of facts and compiling joint books of documents as well as holding case management conferences early in the proceedings will allow the Tribunal to quickly determine the facts and issues at the heart of a case.

The Tribunal will rely on the work carried out last year by the Client Consultation Committee and Registry employees to provide parties with two alternative dispute resolution methods: facilitative mediation and settlement conferences. Generally, alternative dispute resolution methods are quicker, less costly and less adversarial than traditional hearings.

Innovative and proactive case management practices and alternative dispute resolution methods will enable the Tribunal and the parties to save time and money.

By continuing to hear cases and render decisions, by providing recommendations aimed at improving the Act in the context of the five-year review of the legislation and by making new information resources available to its clients and to public servants in general, the Tribunal will help embed an ethical culture in the public service.

The Honourable Luc Martineau
Chairperson
Public Servants Disclosure Protection Tribunal

Section I: Organizational Overview

Raison d'être and Responsibilities

The raison d'être of the Tribunal is to protect public servants who disclose wrongdoing from reprisals.

The Tribunal is one component of the wrongdoing disclosure regime introduced in 2007 by the *Public Servants Disclosure Protection Act* (the Act). In addition to the Tribunal, chief executives, the Public Sector Integrity Commissioner and the Treasury Board have responsibilities under the Act.

The Tribunal is an independent quasi-judicial body responsible for dealing with reprisal complaints referred by the Commissioner. The Act provides for the establishment of a Registry to support the Tribunal in the conduct of its work, with an office in the National Capital Region.

Strategic Outcomes and Program Alignment Architecture (PAA)

In carrying out its mandate, the Tribunal is aiming for the following strategic outcome:

Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.

The Registry supports the Tribunal in fulfilling its mandate through the Reprisal Hearings Program. This program provides for the effective management of the processes related to reprisal complaints and Tribunal hearings. Through this program, the Registry also provides legal and administrative support to the Tribunal.

Organizational Priorities

Priority	Type	Strategic Outcome and/or Programs
Provide recommendations for clarifying the <i>Public Servants Disclosure Protection Act</i> and addressing certain gaps.	Previously committed	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.
Description		
<p>Why is this a priority?</p> <p>The <i>Public Servants Disclosure Protection Act</i> calls for a review of the administration and operation of the Act five years after its coming into force.</p> <p>Plans for meeting the priority</p> <ul style="list-style-type: none"> • The Registry will prepare a memorandum on provisions of the Act that are problematic or that could be clarified or improved, while preserving its neutrality. 		

Priority	Type	Strategic Outcome and/or Programs
Ensure that cases referred to the Tribunal are managed in an efficient and effective manner.	Previously committed	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.
Description		
<p>Why is this a priority?</p> <p>When the Tribunal receives a reprisal complaint, the complaint has already been investigated by the Office of the Public Sector Integrity Commissioner. Investigations conducted by the Office of the Commissioner can take several months. It is therefore important to deal with complaints as quickly as possible.</p> <p>Plans for meeting the priority</p> <ul style="list-style-type: none"> • The Tribunal will implement innovative and proactive case management practices such as developing joint statements of fact and compiling joint books of documents, as well as holding case management conferences early in the proceedings. 		

Priority	Type	Strategic Outcome and/or Programs
Ensure that cases referred to the Tribunal are dealt with as informally and expeditiously as possible.	Previously committed	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.

Description**Why is this a priority?**

The *Public Servants Disclosure Protection Act* and the Tribunal's Rules of Procedure provide that proceedings before the Tribunal should be conducted informally and expeditiously. Alternative dispute resolution methods are generally quicker, less costly and less adversarial than traditional hearings.

Plans for meeting the priority

- Integrate facilitative mediation and settlement conferences into the Tribunal's practices.
- Assess the impact of these practices with respect to time, cost and client satisfaction.

Priority	Type	Strategic Outcome and/or Programs
Raise public servants' awareness of the protection the Tribunal provides if they disclose wrongdoing.	Previously committed	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.

Description

Why is this a priority?

The whole premise of the wrongdoing disclosure regime is that public servants will be more inclined to report possible wrongdoing if they know that a Tribunal has been established to protect them against reprisals. There is reason to believe that public servants may not be familiar with the Tribunal. The Registry must renew its efforts to raise awareness of the Tribunal.

Plans for meeting the priority

- ▶ Seek the assistance of the Tribunal's Client Consultation Committee to identify the best ways of making the Tribunal known to its members.
- ▶ Work with other organizations that have responsibilities under the *Public Servants Disclosure Protection Act* to raise awareness among public servants of the protection guaranteed to them under the Act.

Priority	Type	Strategic Outcome and/or Programs
Contribute to increasing knowledge of the Act and the field of whistleblower protection.	Previously committed	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.

Description**Why is this a priority?**

Experience has taught us that it takes a long time for a new culture to take hold following the implementation of new remedies such as mechanisms to disclose wrongdoing and protect whistleblowers. This is why the Registry must make ongoing efforts to ensure that information resources are available to individuals affected by the new remedies.

Plans for meeting the priority

- ▶ Develop and distribute new reference tools for public servants and clients of the Tribunal.
- ▶ Speak at seminars and workshops organized by the legal community.

Management Priority	Type	Strategic Outcome and/or Programs
---------------------	------	-----------------------------------

Continue to ensure that public funds are managed with prudence and probity and that resources are used effectively, efficiently and economically.	Previously committed	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.
---	----------------------	---

Description

Why is this a priority?

It is expected that the Registry will support government initiatives to improve efficiency and reduce costs.

Plans for meeting the priority

- Explore ways of streamlining operations and reducing costs.

Risk Analysis

Several factors affect the number of cases the Tribunal will deal with this fiscal year: the number of reprisal complaints filed with the Office of the Public Sector Integrity Commissioner; the number of complaints the Commissioner will deem admissible; the number of investigations that will be conducted; the complexity of the cases and the time it will take to complete the investigations; the number of complaints rejected after an investigation; the number of cases resolved through conciliation. Added to this list is the fact that the whistleblowing regime is in its earliest beginnings and that the Tribunal's powers to protect disclosers are perhaps not well known to public servants. These factors, as well not being able to be guided by the experience of other Canadian regimes, which are all as or more recent than the federal regime, makes it impossible to predict how many cases the Tribunal will receive in the next twelve months.

This unpredictability makes it difficult to manage human and financial resources. The Registry must ensure that it has a sufficient number of employees to provide the support required by the Tribunal. However, it must guard against having too many employees to avoid wasting talent as well as public funds. The Registry must ensure that it maintains some flexibility in its organizational structure and staff in order to be able to navigate its way through a range of scenarios. It must continue to use determinate work contracts and assignments, establish partnerships with other small departments and agencies and perhaps rely more on consultants to meet certain needs.

Planning Summary

Financial Resources (Planned Spending — in thousands of dollars)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-14	Planned Spending 2014-15	Planned Spending 2015-16
1,834.4	1,834.4	1,835.1	1,835.1

Human Resources (Full-Time Equivalents — FTE)

2013-14	2014-15	2015-16
12	12	12

Planning Summary (in thousands of dollars)

Strategic Outcome	Program	Actual Spending 2010-11	Actual Spending 2011-12	Forecast Spending 2012-13 ¹	Planned Spending			Alignment to Government of Canada Outcomes ²
					2013-14	2014-15	2015-16	
Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.	Reprisal Hearings Program	940.3	1,686.3	1,750	1,834.4	1,835.1	1,835.1	Well-managed and efficient government operations.
Total		940.3	1,686.3	1,750	1,834.4	1,835.1	1,835.1	

Planning Summary Total (in thousands of dollars)

Strategic Outcome, Programs	Actual Spending 2010-11	Actual Spending 2011-12	Forecast Spending 2012-13 ³	Planned Spending		
				2013-14	2014-15	2015-16
Total	940.3	1,686.3	1,750	1,834.4	1,835.1	1,835.1

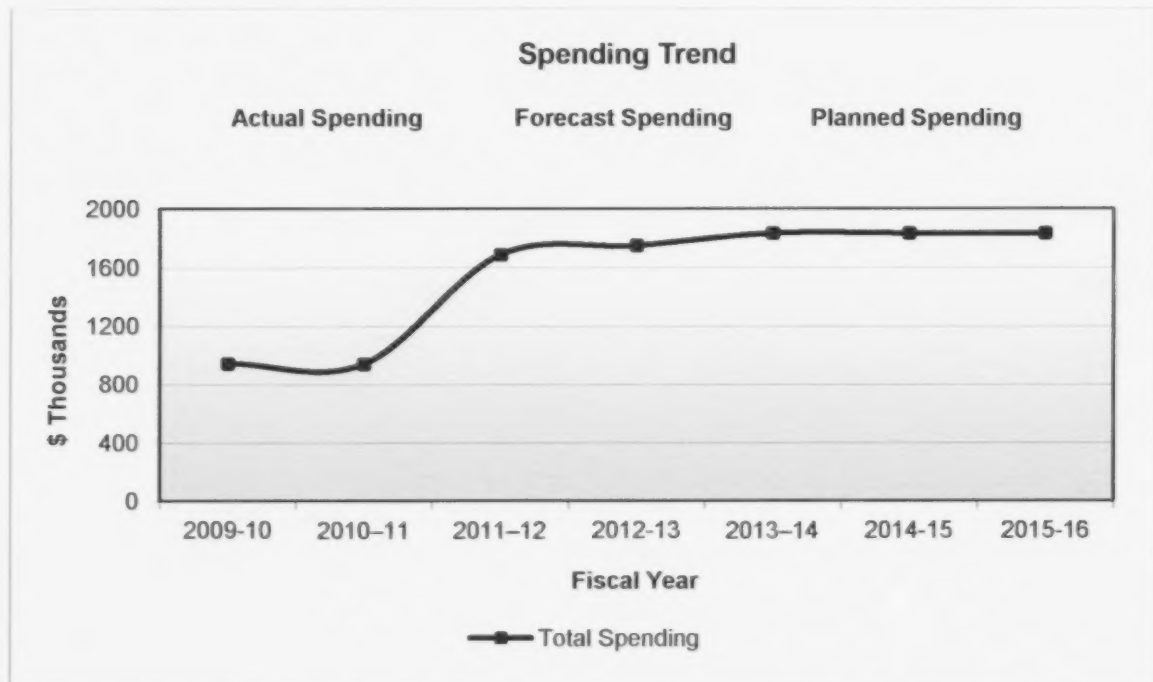
¹ The amount should reflect the department's best estimates of its cash expenditures—in other words, what the department would expect to see published in the upcoming Public Accounts.

² Information on the alignment of departmental contribution with the results of the Government of Canada is available on the Treasury Board Secretariat's website: <http://www.tbs-sct.gc.ca/ppg-cpr/frame-cadre-eng.aspx>.

³ The amount should reflect the department's best estimates of its cash expenditures—in other words, what the department would expect to see published in the upcoming Public Accounts.

Expenditure Profile

Departmental Spending Trend



Estimates by Vote

For information on our organizational appropriations, please see the [2013-14 Main Estimates publication](#)ⁱ.

Contribution to the Federal Sustainable Development Strategy (FSDS)

The Federal Sustainable Development Strategy (FSDS) outlines the Government of Canada's commitment to improving the transparency of environmental decision-making by articulating its key strategic environmental goals and targets. The government will be consulting the public in 2013-14 regarding the second three-year cycle of the FSDS (2013-16). The 2013-16 FSDS will be finalized in 2013-14. It will be presented as part of year end performance reporting for 2013-14.

The Registry of the Public Servants Disclosure Protection Tribunal ensures that consideration of these outcomes is an integral part of its decision-making processes. In particular, through the federal Strategic Environmental Assessment (SEA) process, any new policy, plan, or program initiative includes an analysis of its impact on attaining the FSDS goals and targets. The results of SEAs are made public when an initiative is announced, demonstrating the department's commitment to achieving the FSDS goals and targets.

The Registry of the Public Servants Disclosure Protection Tribunal contributes to the green procurement target area of Theme IV Shrinking the Environmental Footprint – Beginning with Government, as denoted by the visual identifier below.



Theme IV:
Shrinking the Environmental Footprint –
Beginning with Government

These contributions are components of the Internal Services activity.

For additional details on Registry of the Public Servants Disclosure Protection Tribunal's activities to support sustainable development, please see the Greening Government Operations' additional table on the Registry's Web siteⁱⁱ. For complete details on the Strategy, please see the [Federal Sustainable Development Strategy \(FSDS\) Web site](#).

Section II: Analysis of Program by Strategic Outcome

Strategic Outcome

Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.

Performance Indicators	Targets
Number of decisions or orders issued within 250 calendar days from the start of a proceeding.	90% of proceedings are completed within 250 calendar days.
Degree of client satisfaction with respect to services offered by the Registry.	80% of clients are satisfied with services offered by the Registry.

Program: Reprisal Hearings Program

As the Registry was granted an exemption to report separately on its internal services, it will report globally on its single program activity.

Program Description

The Reprisal Hearings Program provides for the effective management of the processes related to reprisal complaints and Tribunal hearings. Through this program, the Registry also provides legal and administrative support to the Tribunal.

Financial Resources (in thousands of dollars)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-14	Planned Spending 2014-15	Planned Spending 2015-16
1,834.4	1,834.4	1,835.1	1,835.1

Human Resources (Full-Time Equivalent—FTE)

2013-14	2014-15	2015-16
12	12	12

Program Expected Results	Performance Indicators	Targets
Efficient management of the Tribunal's proceedings.	Number of decisions or orders issued within 250 calendar days from the start of a proceeding.	90% of proceedings are completed within 250 calendar days
	Degree of client satisfaction with respect to services offered by the Registry.	80% of clients are satisfied with services offered by the Registry.

Section III: Supplementary Information

Financial Highlights

Future-Oriented Condensed Statement of Operations and Departmental Net Financial Position

For the year (ended March 31)

(in dollars)

	Change (\$)	Forecast 2013-14	Estimated Results 2012-13
Total expenses	75,708	2,122,903	2,047,195
Total revenues	—	—	—
Net cost of operations before government funding and transfers	75,708	2,122,903	2,047,195
Departmental net financial position	(110,180)	64,995	175,175

Future-Oriented Condensed Statement of Financial Position

For the year (ended March 31)

(in dollars)

	Change (\$)	Forecast 2013-14	Estimated Results 2012-13
Total net liabilities	(45,004)	239,789	284,793
Total net financial assets	(47,751)	77,541	125,292
Departmental net debt	2,747	162,248	159,501
Total non-financial assets	(107,433)	227,243	334,676
Departmental net financial position	(110,180)	64,995	175,175

Future-Oriented Financial Statements

The future-oriented financial statements are available on the [Public Servants Disclosure Protection Tribunal Canada web site](#).ⁱⁱⁱ

List of Supplementary Information Tables

All electronic supplementary information tables listed in the *2013-14 Report on Plans and Priorities* can be found on the web site of the Registry of the Public Servants Disclosure Protection Tribunal.^{iv}

- ▶ Greening Government Operations;
- ▶ Upcoming Internal Audits and Evaluations over the next three fiscal years.

Tax Expenditures and Evaluations Report

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance publishes cost estimates and projections for these measures annually in the *Tax Expenditures and Evaluations* publication. The tax measures presented in the *Tax Expenditures and Evaluations* publication are the sole responsibility of the Minister of Finance.

Section IV: Other Items of Interest

Organizational Contact Information

Public Servants Disclosure Protection Tribunal Canada
90 Sparks Street, Suite 540
Ottawa, Ontario K1P 5B4
Telephone: 613-943-8310
Facsimile: 613-943-8325

E-mail: Tribunal@psdpt-tpfd.gc.ca

Web site: www.psdpt-tpfd.gc.ca

ⁱ <http://www.tbs-sct.gc.ca/cms-sgd/csp-pbc/me-bpd-eng.asp>

ⁱⁱ <http://www.psdpt-tpfd.gc.ca/ResourcesRessources/RPP-RPP/RPP-RPP-eng.html>

ⁱⁱⁱ <http://www.psdpt-tpfd.gc.ca/ResourcesRessources/DepartmentalReports-eng.html>

^{iv} <http://www.psdpt-tpfd.gc.ca/ResourcesRessources/DepartmentalReports-eng.html>